

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

COMPAÑIA FRANCO-PANAMEÑA
DE INVERSIONES, S.A.

Plaintiff

v.

Civil No. 03-2280(SEC)

JULIA NIEVES-NOGUERAS, et al.

Defendants

OPINION AND ORDER

On April 4, 2005 the Court entered default against Co-defendants Julia Nieves-Nogueras, John Doe, the conjugal partnership between them, insurance companies A & B and John, and Jack Doe (herein "Defendants") (Docket # 13). The Court then referred this case to Magistrate-Judge Justo Arenas for a hearing on damages and a Report and Recommendation (Docket # 15). After holding a hearing, on May 13, 2005 Magistrate Arenas issued his report, recommending that Defendants pay one hundred and seventy thousand dollars (\$170,000) to Plaintiff (Docket # 18). Magistrate Arenas further recommended that: (i) interest accrue on the first one hundred thousand dollars (\$100,000) from the date the complaint was filed, and on the remaining seventy thousand dollars (\$70,000) due to lost rental income, from the dates due per year, based on a yearly rental of ten thousand dollars (\$10,000); (ii) Plaintiff repossess lot # 27 in its original condition and have the structures contained in lot # 27 demolished by Defendants and at their expense, alternatively, that Plaintiff be entitled to the right of accession; (iii) Plaintiff be awarded costs and attorneys' fees due to obstinacy (Docket # 18). To date, the parties have not filed any objections to the Magistrate's report and the time allotted for doing so has expired. Therefore, the Court will **APPROVE** and **ADOPT** the Magistrate's Report and Recommendation as our own.

Standard of Review

Pursuant to 28 U.S.C. §§ 636(b)(1)(B), Fed. R. Civ. P. 72(b) and Local Rule 72(a) for the District of Puerto Rico, a District Court may refer motions to a United States Magistrate Judge for a Report and Recommendation. See Alamo Rodríguez v. Pfizer Pharmaceuticals, Inc., 286 F. Supp. 2d 144, 146 (D.P.R. 2003). The adversely affected party can “contest the Magistrate Judge’s report and recommendation by filing objections ‘within ten days of being served’ with a copy of the order.” United States of America v. Mercado-Pagán, 286 F. Supp. 2d 231, 233 (D.P.R. 2003) (quoting 28 U.S.C. § 636(b)(1)). Aside from being filed in a timely manner, objections “shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the legal basis for such objection.” Local Rule 72(d).

The scope of review of a Magistrate’s recommendation is set forth in 28 U.S.C. § 636(b)(1)(c). This section provides that “[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified findings or recommendations to which [an] objection is made.” Id. The Court can “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate,” however, if the affected party fails to timely file objections, “the district court can assume that they have agreed to the magistrate’s recommendation.” Alamo-Rodríguez, 286 F. Supp. 2d at 146 (quoting Templeman v. Chris Craft Corp., 770 F.2d 245, 247 (1st Cir. 1985)). Thus, no review is required of those issues to which objections are not timely raised. Thomas v. Arn, 474 U.S. 140 (1985), reh’g denied, 474 U.S. 1111 (1986); Borden v. Sec’y of Health & Human Servs., 836 F.2d 4, 6 (1st Cir. 1987). In fact, a party who fails to file any objections to the Magistrate Judge’s Report and Recommendation within ten days of its filing waives his or her right to appeal from the district court’s order. Henley Drilling Co. v. McGee, 36 F.3d 143, 150-51 (1st Cir. 1994); United States v. Valencia-Copete, 792 F.2d 4, 5 (1st Cir. 1986); Davet v. Maccarone, 973 F.2d 22, 30-31 (1st Cir. 1992) (“[f]ailure to raise objections to the Report and

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Recommendation waives that party's right to review in the district court and those claims not preserved by such objection are precluded on appeal").

Analysis

The parties have not objected to the Magistrate Judge's Report and Recommendation, thus we are not required by law to review it. However, upon review, we find no fault with Magistrate Judge Arenas' assessment and thus **APPROVE** and **ADOPT** his Report and Recommendation as our own. Accordingly, final judgment will be entered as recommended.

SO ORDERED.

In San Juan, Puerto Rico, this 1st day of June, 2005.

S/ *Salvador E. Casellas*
SALVADOR E. CASELLAS
United States District Judge